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Mechanics... A New Law Affects You

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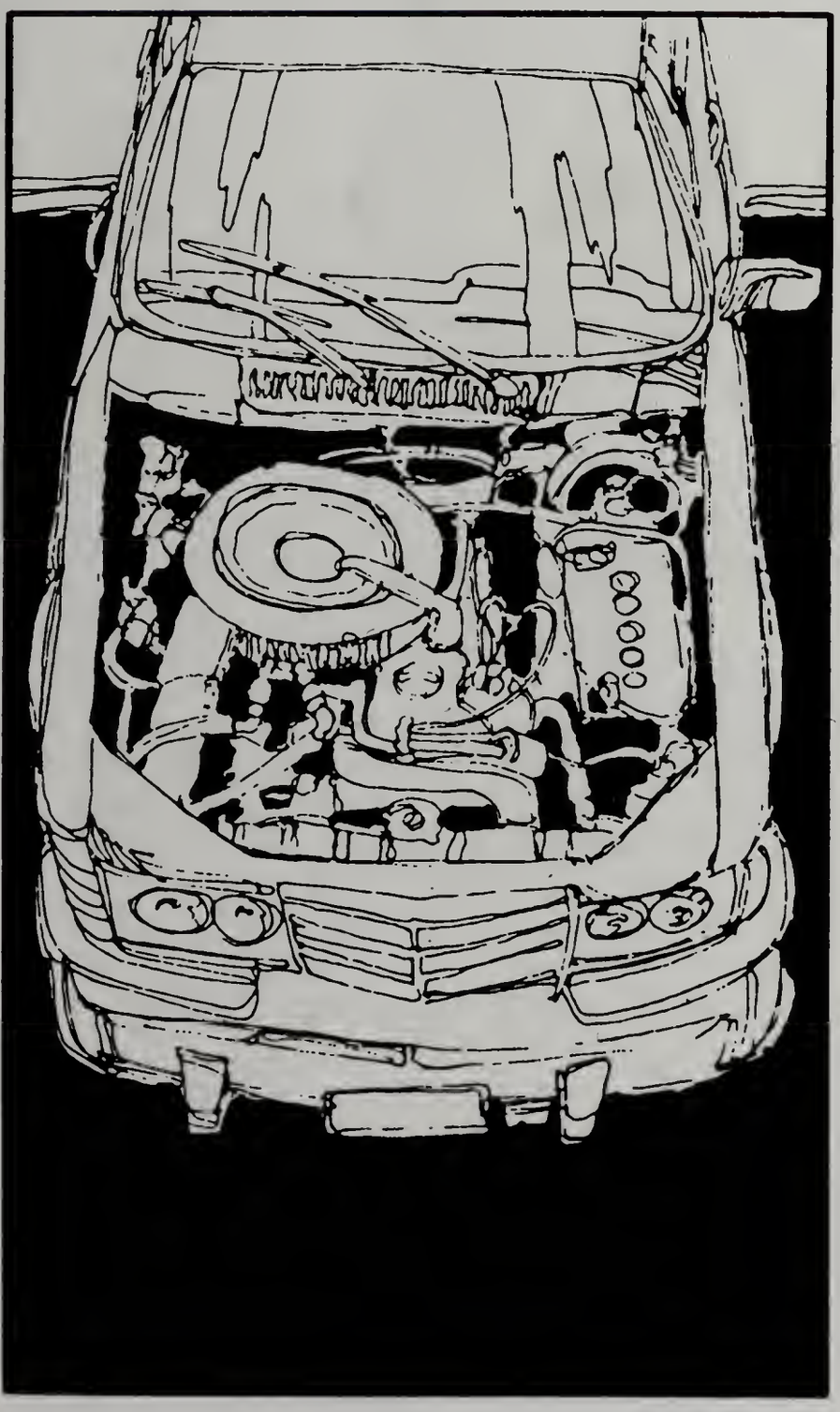

Are You Engaged in the Business of Repairing, Servicing, Leasing, Selling, or Trading Motor Vehicles, or Motor Vehicle Engines or Operating a Motor Vehicle Fleet?

If so, a new law concerning tampering with a car's emission controls applies to you. As of August 8, 1977, all persons engaged in these businesses are prohibited by federal law from knowingly removing or rendering inoperative any emission control device or element of design that is installed on a motor vehicle or motor vehicle engine.

This tampering prohibition is contained in the 1977 Amendments to the United States Clean Air Act. If an employer (or his employee) engaged in any of these businesses violates this law, the employer will be subject to a civil penalty of up to $2,500 for each motor vehicle or motor vehicle engine tampered with.

This leaflet has been prepared by the United States Environmental Protection Agency to answer questions you are likely to ask concerning the law. Please read it carefully. Your compliance with the law will help ensure that cars in use will continue to meet Federal emission standards. Noncompliance will result in dirtier air for America, a loss in fuel economy, and possibly fines.

What Is the Purpose of the Anti-Tampering Law

The tampering prohibition was passed by Congress to make sure that cars in use retain the emission control designs and functions that were built into them by their manufacturers. The law is necessary for reason of public health. Motor vehicles contribute more than one-half of the total amount of man-made air pollution in this country. They emit nearly three-quarters of the total amount of the poisonous gas, carbon monoxide. They also emit over one-third of the hydrocarbons and one-third of the oxides of nitrogen, two major causes of the unhealthy smog that hangs over a great many of our cities and suburbs.

To protect the health of the American public, Congress established light-duty motor vehicle emission standards that have to be met by every new car sold in this country. Each manufacturer is required to certify that his design will enable the car to meet these standards for the length of its useful life.

Tampering, however, changes the car's certified design and causes the car to exceed emissions standards. Several surveys have shown tampering to be widespread. Some service and repair facilities have even advertised as one of their services the removal of emission controls to improve gas mileage. To stop practices like these and to make sure that cars in use continue to comply with emission standards throughout their useful life, Congress broadened the anti-tampering provision to cover all repair facilities and motor vehicle fleet operations.

What Is New About the Anti-tampering Law?

The prohibition against tampering contained in the Clean Air Act Amendments of 1970 applied to any person with respect to a new car before it is sold and delivered to the purchaser and only to manufacturers and car dealers with respect to sold cars. This law applies to some 25,000 to 30,000 new car dealers, and violators are subject to civil penalties of up to $10,000 for each car tampered with.

Now, the new amendment broadens the tampering prohibition to cover 300,000 to 350,000 motor vehicle repair facilities and several hundred thousand fleet operators. All repair facility owners, commercial mechanics, and fleet operators are now prohibited from tampering. Violators of this provision of the law are subject to a civil penalty of up to $2,500 for each motor vehicle or motor vehicle engine tampered with.

What Exactly Is Tampering?

Tampering is removing, disconnecting, damaging, or in any way rendering ineffective any emission control device or element of design installed on a motor vehicle or motor vehicle engine.

Tampering may include:

- removing or rendering inoperative devices such as the catalytic converter, air pump, and EGR valve,
- disconnecting vacuum lines and electrical or mechanical portions of the pollution control system such as electrical solenoids or vacuum-activated valves,
- adjusting an element of a car's emission control design out of line with manufacturer's specifications.

- knowingly installing a replacement part that is not equivalent in design and function to the part that was originally on the car, for example: incorrect EGR valve. (This, however, does not mean that you have to use replacement parts sold by the motor vehicle manufacturer or its franchised dealers.)
- adding on a part that was not originally certified on the car, for example: the installation of dual carburetors to replace a single carburetor.
- enlarging the fuel filler restriction inlet to allow the use of regular leaded gas in cars that require unleaded gas.

How Can Unintentional Maladjustments Be Avoided?

Maladjustments will be avoided when adjustments are made according to manufacturer's specifications.

Can't Tampering Improve Gas Mileage and Driveability?

Evidence suggests that tampering can do little to improve gas mileage and driveability, and in some cases will worsen them. One reason for this is that the catalytic converter — the primary means of pollution control on most cars made after 1974 — has no negative effect on gas mileage and driveability. In fact, the catalyst has helped make it possible for cars with emission controls to achieve the same or even better gas mileage than cars had in 1967 before emission controls were installed on cars. Thus, damaging or disconnecting a catalyst can only result in increased emissions and the waste of an expensive piece of equipment.

Studies also show that tampering with pre-catalyst equipped cars will not improve gas mileage. In 1974, the Environmental Protection Agency delivered a number of 1973 and 1974 cars to a representative sample of non-dealer service garages advertising that they could improve fuel economy and asked them to do what they could to increase the gas mileage of these cars. The most frequent result was that both emissions and fuel economy were made worse. About two-thirds of the cars lost fuel economy and increased in emissions.

There are several reasons for these results. One is that emission controls are not simply stuck on a car in such a way that they can be harmlessly removed or maladjusted. Emission control is part of the total design and function of many components of a car's engine, including the carburetor, distributor, intake manifold, and EGR valve. When you change the emission control design of one of these components, you are also likely to affect their other functions, often adversely. Maladjustments of such parts, therefore, often result in fuel inefficiency and poorer performance, as well as increased emissions. In addition, carburetor setting, ignition timing, compression ratio, and EGR all affect an engine's durability. Tampering can shorten an engine's life and cause performance problems at the same time.

an Tampering oid Warranty ights?

Yes. A car manufacturer may not be obliged to honor warranty rights covering emission control devices and elements of design when those devices and designs have been tampered with or when leaded gas is used in cars requiring unleaded.

It should also be noted that when car owners whose cars have been tampered with find that their dealers will not honor their warranties, they sometimes complain to federal authorities. This is one way in which automobile repair shops that tamper come to be exposed and then prosecuted.

an Replace- ent Parts ther Than hose Pro- uced by the Manufacturer e Used in epair and Maintenance?

Yes. A repair facility is not required to use parts sold by the car's manufacturer or dealers. Under the Clean Air Act, a repair facility is free to use rebuilt parts or equipment made by independent aftermarket parts manufacturers.

In using such parts, however, a repair facility must meet an important requirement. The mechanic must have a reasonable basis for knowing that the replacement part will not adversely affect emissions. The replacement part must, to his best knowledge, be equivalent in design and function to the part that was originally on the car when it was certified. Another way this can be established is by a written statement from the parts manufacturer that the replacement part conforms in design and function with the part that was originally on the car.

Is the Public Being Informed About the New Anti-Tampering Law?

Yes. Many car owners erroneously believe that gas mileage and driveability can be improved by having their car's emission controls removed or disconnected. Some car owners try to make these changes themselves, but others ask their professional automobile mechanic to perform this questionable, and now illegal, service.

To prevent this practice, the Environmental Protection Agency has undertaken a program to inform the public of the law and the civil penalty a repair facility may incur by violating it. The consumer is also being told that tampering is not likely to improve the car's fuel economy and performance, and may instead worsen them. Further, it is being pointed out that tampering is an expensive waste, nullifying pollution controls that on new cars may cost the car owner between $200 and $300.

Occasionally when a mechanic refuses to tamper with a consumer's car, the consumer will ask for advice on how he might disconnect his car's emission controls. In most states, tampering by a car owner is prohibited by state law, and you would be contributing to your customer's liability under state law if he tampers with his car.

What Can I Do To Help?

The emission controls installed on motor vehicles and motor vehicle engines are there to reduce the pollution from these sources to help meet national ambient air quality standards which were established to protect public health. By removing or rendering inoperative these devices, a vital portion of the nation's program to clean up the air has been defeated. You can help clean the air by refusing to tamper with emission controls when asked by customers and by obtaining the appropriate knowledge to properly service and maintain emission control systems. Set cars up using the specifications suggested by the manufacturers, which are intended for best performance and emission control.

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